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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,108	02/27/2004	Tatsuhiko Miyata	NIT-415	5068
86636 7590 02/04/2011 BRUNDIDGE & STANGER, P.C. 2318 MILL ROAD, SUITE 1020 ALEXANDRIA, VA 22314				
EXAMINER				
WANG, HARRIS C				
ART UNIT		PAPER NUMBER		
2439				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/787,108

**Applicant(s)**

MIYATA ET AL.

**Examiner**

HARRIS C. WANG

**Art Unit**

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/ has been entered.

### ***Double Patenting***

Claims 30-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22-23 of copending Application No. 11/936130. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the independent claims is the instant application claims "communication capability information" and the latter claims "communication status information." It would have been obvious to one of ordinary skill in the art to broadly consider communication capability to be equivalent as communication status. .

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 30-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 30 recites "and vertical relation information indicating that access permission information for said identification information has higher priority than access permission information for said communication capability information." No support could be found in the specification.

Claim 31 is dependent on claim 30 and is rejected for the same rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavrilu (20020026592) in view of Applicant Admitted Prior Art (AAPA).

Regarding Claim 30,

Gavrilu (20020026592) teaches a server for communicating with a plurality of user terminals via a communication network (*"This invention makes use...of both local and global groups for the instantiation of roles on multiple computer hosts, to implement nested groups and to enable the integration of extant host computers, which include local user accounts and groups defined on independent servers and workstations"* Abstract), comprising:

a memory unit for storing identification information of one of said user terminals, communication capability information of the user terminal, and vertical relation information (Figures 1-6 all show vertical relations) (*"also known in the art are security subsystems that associate permissions with the identifier of an object, the association being called a "capability" Paragraph [0002]"*) (*"read, write, execute, append" Paragraph [0002]"*) (*"write" can be considered a communication capability*)

a network interface connected to said communication network; and

a controller, connected to said memory unit and said network interface, for controlling access operations requested to said identification information or said communication capability information based on said hierarchical access permission setting values (*"a client-server application, called the Access Control Center (ACC) which*

*implements the inventive method of permission management across multiple host systems"*

*Paragraph [0083]),*

wherein said controller operates, in response to a request for changing the access permission setting value of a specific one of said access operations for said communication capability information from a non-permission state to a permission state received through said network interface, so as to rewrite access permission values of access operations each having a priority level equal to or higher than that of said specific access operation into the permission state in both said identification information and said communication capability information;

and operates, in response to a request for changing the access permission setting value of a specific one of said access operations for said identification information from the permission state to the non-permission state received through said network interface, so as to rewrite access permission values of access operations each having a priority level equal to or higher than that of said specific access operation into the non-permission state in both said identification information and said communication capability information. *(Paragraph [0027] describes automatically changing permissions-inheritance relations when a permission is revoked)*

Gavrila does not explicitly teach hierarchical access permission setting values with respect to access operations having different priority levels predefined for each of said identification information and said communication capability information

Applicant Admitted Prior Art (AAPA) teaches hierarchical access permission setting values with respect to access operations having different priority levels predefined for each of said identification information and said communication capability information (*See Paragraphs [007-008] under the background of the invention, as well as Figure 27*) (Priority is different for the "owner" "group" and "other")

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gavrilla to include a hierarchical access permission setting value taught in AAPA.

The motivation is that Gavrilla already teaches a Unix system (paragraph [0002] of Gavrilla) and differentiating priority for owner and group provides more granulated access control.

Gavrilla does not explicitly teach wherein indicating that access permission information for said identification information has higher priority than access permission information for said communication capability information;

It would have been obvious to one of ordinary skill in the art to indicate one permission (ID) has a higher priority than another (communication capability).

The motivation is design choice.

Regarding Claim 31,

Gavrilla and AAPA teach the server according to claim 30, wherein said access operations include an information disclosure operation, an information read operation and an information write operation, and wherein the information disclosure operation has a priority level higher than that of the information read operation, and the information read operation has a priority level higher than that of the information write operation (*Figure 27 of AAPA, execution is disclosure, read and write are read and write*)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRIS C. WANG whose telephone number is (571)270-1462. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harris C Wang/  
Examiner, Art Unit 2439

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2439